

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

IN THE MATTER OF THE SEARCH OF: No. 4:19-mj-74


19-115-04

**REDACTED APPLICATION FOR  
SEARCH AND SEIZURE WARRANT**

I, David Keith, being duly sworn depose and say:

I am a Special Agent with the Federal Bureau of Investigation (FBI), and have reason to believe that on the body or person of Dr. Pedro Ibarra-Perocier, as fully described in Attachment A, attached hereto and incorporated herein by reference, there is now concealed certain property, namely: that which is fully described in Attachment B, attached hereto and incorporated herein by reference, which I believe is property constituting evidence of the commission of criminal offenses, contraband, the fruits of crime, or things otherwise criminally possessed, or property designed or intended for use or which is or has been used as the means of committing criminal offenses, concerning violations of 18 U.S.C. §§ 1152 and 2242(1) (sexual abuse).

The facts to support a finding of Probable Cause are contained in my Affidavit filed herewith.

  
David Keith, Special Agent  
Federal Bureau of Investigation

Sworn to before me, and subscribed in my presence on the 25<sup>th</sup> day of Oct, 2019, at Sioux Falls, South Dakota.

  
VERONICA L. DUFFY  
United States Magistrate Judge

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

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IN THE MATTER OF THE SEARCH OF:

No. 4:19-mj-74

19-115-04

**REDACTED AFFIDAVIT IN  
SUPPORT OF SEARCH AND  
SEARCH WARRANT**

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STATE OF SOUTH DAKOTA     )  
                                          ):SS  
COUNTY OF MINNEHAHA     )

I, David Keith, being first duly sworn upon oath, depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) assigned to the Sioux Falls, South Dakota, office and I am charged with investigating violations of federal statutes in Indian Country within the District of South Dakota. I have worked as a Special Agent with the FBI for more than 16 years. I have conducted a wide variety of criminal investigations to include violent crimes, white collar crimes and public corruption matters. I am currently assigned to investigate violent crimes that occur on Native American Reservations.

2. This affidavit is made in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the person or body of Dr. Pedro Ibarra-Perocier (Dr. Ibarra), date of birth [REDACTED] 1961, specifically to take photographs of Dr. Ibarra's genitalia.

3. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the requested warrant, I have not included every detail of every aspect of the investigation. Rather, I have set forth only those facts that I believe are necessary to establish probable cause. The information contained in this affidavit is based upon my investigation, including my personal observations and knowledge obtained through interviews and other investigative means, along with conversations with other law enforcement officers and other witnesses, coupled with my review of various documents and records.

4. I am working with U.S. Department of Health and Human Services, Office of Inspector General, Special Agent in Charge Curt Muller and Special Agent Justin Christman to investigate sexual assault allegations made by patients involving Dr. Ibarra that occurred on the Yankton Sioux Tribe (YST) Indian Reservation, namely at the Indian Health Services (IHS) clinic located in Wagner, South Dakota.

5. On May 17, 2019, I met with and interviewed Lisa Abdo, a patient of Dr. Ibarra at the IHS clinic in Wagner. Abdo disclosed that Dr. Ibarra would only prescribe her pain medication(s) if Abdo allowed Ibarra to perform sexual acts on her or Abdo on Dr. Ibarra. All of the acts took place at IHS, inside the examination room, with the door locked. Abdo estimated that between 2014 and 2016, Abdo masturbated Dr. Ibarra 2 to 3 times per month. When Abdo had an injured right arm, Dr. Ibarra had Abdo utilize her left arm to masturbate him. Dr. Ibarra demanded Abdo perform oral sex on him at least twice. Abdo refused to allow Dr. Ibarra to have anal sex with her. If Abdo did not comply or

refused Dr. Ibarra's sexual demands, he would not prescribe her pain medications, nor would he refer her to the medical specialists she needed. Abdo made it known to Dr. Ibarra that she intended on switching physicians. Dr. Ibarra informed Abdo she would not be successful in switching physicians at IHS because Dr. Ibarra's wife was in charge of scheduling and he would make sure her request was denied. Abdo said she tried but was not able to get an appointment to see a different physician at the IHS clinic in Wagner. Abdo described Dr. Ibarra's penis as uncircumcised with a unique black mole or mark on it. Abdo was never around Dr. Ibarra outside of the IHS examination room. Dr. Ibarra wanted to meet with Abdo at his home, but those advances were rejected by Abdo.

6. On September 10, 2018, Troy Lynn Twiss was interviewed by Special Agent in Charge (then-Inspector) Curt Muller and Special Agent Justin Christman. Twiss had been a patient of Dr. Ibarra at the IHS clinic in Wagner. Twiss suffered from anxiety, depression, and pain management. Twiss felt embarrassed and ashamed about what Dr. Ibarra had done to her inside the examination room at IHS. Dr. Ibarra would lock the examination room door, from the inside, during appointments with Twiss. Dr. Ibarra would expose his penis and force Twiss to put her hand on his penis. Dr. Ibarra would then comment, "You know what to do." On several visits, Dr. Ibarra would have Twiss rub his penis until he ejaculated. On two occasions, Dr. Ibarra had Twiss perform fellatio on him. Twiss pulled her mouth away before Dr. Ibarra would ejaculate. Dr. Ibarra commented to Twiss that he liked her butt and wanted to

have anal sex with Twiss. Twiss never allowed Dr. Ibarra to have anal sex with her. Twiss described Dr. Ibarra's penis as uncircumcised. When Twiss refused to perform fellatio on Dr. Ibarra, he would withhold her pain medication. When Twiss asked for refills of her pain medication from Dr. Ibarra, he would comment, "Yah, but what would I get back in return." Dr. Ibarra asked to meet with Twiss at a hotel or take her for a drive, but Twiss declined all invitations and only saw Dr. Ibarra at the IHS clinic.

7. Enrollment records from the YST indicate Lisa Abdo is an enrolled member of the YST with a date of birth of [REDACTED] 1970. Troy Lynn Twiss, date of birth [REDACTED] 1972, is an enrolled member of the Oglala Sioux Tribe on Pine Ridge, South Dakota. Upon information and belief, Dr. Ibarra is not an Indian.

8. The investigation confirmed through IHS records that Lisa Abdo was a patient at the IHS clinic in Wagner from approximately 1986 to 2019, and that Troy Lynn Twiss was a patient at the IHS clinic in Wagner from approximately 1986 to 1997, and then again from 2016 to 2019. The investigation confirmed through records from the South Dakota Prescription Drug Monitoring Program and medical records maintained at the IHS clinic in Wagner that Dr. Ibarra prescribed various medications to Lisa Abdo from approximately 2010 to 2017, and to Troy Lynn Twiss from approximately 2016 to 2018.

9. Investigators obtained and reviewed Dr. Ibarra's medical records from Sanford and Avera facilities in South Dakota. The records do not describe Dr. Ibarra's genitalia.


10. Based on the foregoing, I believe there is probable cause to believe



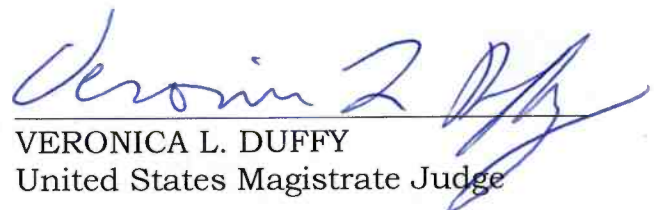
that photographs of Dr. Ibarra's penis will corroborate the descriptions of the two aforementioned witnesses. The photographs sought to be collected from Dr. Ibarra will be considered an item of evidence of the crime of Sexual Abuse in violation of Title 18 U.S.C. §§ 1152 and 2242(1).

11. I therefore respectfully request a search warrant be issued to search the person or body of Dr. Pedro Ibarra-Perocier, and the seizure and search of the items to include photographs of Dr. Ibarra's genitalia.

Dated this 25 day of October, 2019.

  
\_\_\_\_\_  
David D. Keith  
Special Agent  
Federal Bureau of Investigation

Sworn to before me, and subscribed in my presence on the 25<sup>th</sup> day of October, 2019, at Sioux Falls, South Dakota.

  
\_\_\_\_\_  
VERONICA L. DUFFY  
United States Magistrate Judge

REDACTED ATTACHMENT A  
DESCRIPTION OF LOCATION TO BE SEARCHED

The person of Pedro Ibarra-Perocier, date of birth [REDACTED] 1961, Social Security Number [REDACTED].

REDACTED ATTACHMENT B  
DESCRIPTION OF ITEMS TO BE SEIZED AND SEARCHED

The nude genitals and pubic area of the person described in Attachment A, which constitute evidence of the commission of violations of Title 18, United States Code, Sections 1152 and 2242(1), sexual abuse. During the course of the search, photographs of the nude genitals and pubic area may be taken.

The Government proposes the following procedure for obtaining such photographs:

- Only two male law enforcement officers will be present in the room with when Dr. Ibarra-Perocier disrobes and is photographed. One of the male law enforcement officers will take the photographs.
- The room will be closed and private.
- No government attorneys will be present.
- Dr. Ibarra-Perocier may decide if he would like his counsel to be present.
- Copies of all photographs will be provided to Dr. Ibarra-Perocier, through counsel.



UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

IN THE MATTER OF THE SEARCH OF:

No. 4-19-mj-74

19-115-04

**REDACTED SEARCH AND  
SEIZURE WARRANT**

TO: ANY AUTHORIZED LAW ENFORCEMENT OFFICER

An application by a federal law enforcement officer or an attorney for the government requests the search of the following property more fully described in Attachment A, attached hereto and incorporated herein by reference.

I find that the affidavit, or any recorded testimony, establish probable cause to search and seize the property described above, and that such search will reveal evidence of violations of 18 U.S.C. § 2242(1) (sexual abuse), which is more fully described in Attachment B, attached hereto and incorporated herein by reference.

**YOU ARE COMMANDED** to execute this warrant on or before

Nov-8, 2019 (not to exceed 14 days)

☒ in the daytime - 6:00 a.m. to 10:00 p.m.

☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

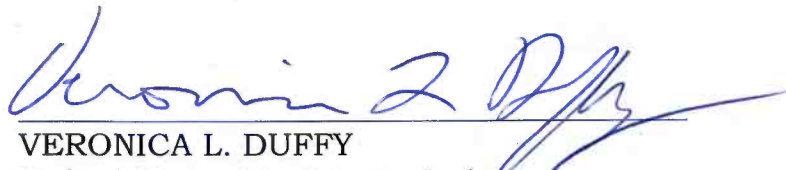
The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to the undersigned Judge.

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized,

☐ for \_\_\_\_\_ days (not to exceed 30).

☐ until, the facts justifying, the later specific date of \_\_\_\_\_.

10-25-19 at 1:45 pm CDT  
Date and Time Issued at Sioux Falls, South Dakota

  
VERONICA L. DUFFY  
United States Magistrate Judge

REDACTED ATTACHMENT A  
DESCRIPTION OF LOCATION TO BE SEARCHED

The person of Pedro Ibarra-Perocier, date of birth [REDACTED] 1961, Social Security Number [REDACTED].

REDACTED ATTACHMENT B  
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- Copies of all photographs will be provided to Dr. Ibarra-Perocier, through counsel.